

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:21-cv-00149-MOC-WCM

WILLIAM ORR,

Plaintiff,

v.

U.S. EPA, U.S. DEPARTMENT OF
INTERIOR, FRENCH BROAD
ELECTRIC MEMBERSHIP
CORPORATION, JEFF LOVEN,
U.S. FISH AND WILDLIFE SERVICE

Defendants.

ORDER

This matter is before the Court for case management purposes following the filing of a Joint Notice (Doc. 58) by the parties.

On November 2, 2021, the Court stayed all proceedings in this case pending the resolution of two appeals filed by Plaintiff in an earlier, related action (William Orr v. U.S. EPA, U.S. Department of Interior, U.S. Forest Service, U.S. Fish and Wildlife Service, French Broad Electric Membership Corporation, and Jeff Loven, No. 1:19-cv-00226-MOC-WCM, United States District Court, Western District of North Carolina (“Orr II”);¹ Orr v. U.S. EPA,

¹ On June 1, 2017, Plaintiff filed William Orr, Charles Orr v. US EPA, US Forest Service, US Fish and Wildlife Service, French Broad Electric Membership Corporation, and Jeff Loven, No. 1:17-cv-00141-MR-DLH, United States District Court, Western District of North Carolina (“Orr I”). In that matter, the District Court

No. 21-1222 (4th Cir.); Orr v. U.S. EPA, No. 21-1841 (4th Cir.). The November 2 Order instructed the parties to file a joint notice upon resolution of all appellate proceedings in Orr II. Doc. 52.

In the Joint Notice, which was filed on August 19, 2022, the parties represent that all appellate proceedings in Orr II have concluded and propose a briefing schedule on the motions that were pending at the time of the stay. Doc. 58.

Having reviewed the parties' Joint Notice and the docket, **IT IS HEREBY ORDERED** that:

1. The stay in this matter is **LIFTED**.
2. The deadline for Plaintiff to file a consolidated response/reply, limited to 25 pages, to the Private Defendants' Pre-Answer Motions to Dismiss (Doc. 22), the Federal Defendants' Motion to Dismiss Plaintiff's Complaint (Doc. 37), and in support of Plaintiff's Motion for Preliminary Injunction (Doc. 35) is **SET** as **October 7, 2022**.

denied a motion by Plaintiff for a TRO and *sua sponte* dismissed the case on June 5, 2017. Plaintiff appealed that decision, but the appeal was dismissed for failure to prosecute. Orr v. U.S. EPA, No. 17-1705, 2017 WL 5997422 (4th Cir. Aug. 7, 2017).

3. The deadline for any reply to Plaintiff's filing is **SET** as **October 28, 2022**.

Signed: September 19, 2022

A handwritten signature in black ink, reading "W. Carleton Metcalf", written over a horizontal line.

W. Carleton Metcalf
United States Magistrate Judge

